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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 FERNANDO E. LUGO,

10 Plaintiff,

11 v.

12 TRAVIS MOORE,

13 Defendant.

Case No. 3:17-cv-00539-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge William G. Cobb (ECF No. 6) ("R&R" or "Recommendation") recommending that
16 this case be dismissed and Plaintiff's request for a refund from case No. 3:17-cv-00394-
17 RCJ-WGC (ECF No. 5) be denied. Plaintiff had until October 18, 2017, to file an objection.
18 No objection to the R&R has been filed.

19 This Court "may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
21 timely objects to a magistrate judge's report and recommendation, then the court is
22 required to "make a *de novo* determination of those portions of the [report and
23 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
24 to object, however, the court is not required to conduct "any review at all . . . of any issue
25 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed,
26 the Ninth Circuit has recognized that a district court is not required to review a magistrate
27 judge's report and recommendation where no objections have been filed. *See United*
28 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review

1 employed by the district court when reviewing a report and recommendation to which no
2 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
3 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
4 district courts are not required to review "any issue that is not the subject of an objection.").
5 Thus, if there is no objection to a magistrate judge's recommendation, then the court may
6 accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226
7 (accepting, without review, a magistrate judge's recommendation to which no objection
8 was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R, and
11 proposed complaint and the filings in Case No. 3:17-cv-00394-RCJ-WGC, this Court finds
12 good cause to accept and adopt the Magistrate Judge's R&R in full.

13 It is therefore ordered, adjudged and decreed that the Report and Recommendation
14 of Magistrate Judge William G. Cobb (ECF No. 6) is accepted and adopted in its entirety.

15 It is further ordered that this action is dismissed. To the extent Plaintiff seeks a
16 refund of the filing fee from case No. 3:17-cv-00394-RCJ-WGC, his request is denied.

17 The Clerk is directed to close this case.

18 DATED THIS 20th day of October 2017.

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21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
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